

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2) of the Act.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Volatile organic compounds.

Dated: March 22, 1995.

David A. Ullrich,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.769 is amended by revising the introductory text and adding paragraph (b) to read as follows:

§ 52.769 Identification of plan—conditional approval.

The plan revision commitment listed in paragraphs (a) and (b) of this section were submitted on the dates specified.

* * * * *

(b) On February 25, 1994, Indiana submitted an amendment to Title 326 of the Indiana Administrative Code (326 IAC) 8–5–5 to add Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements for graphic arts facilities in the Indiana severe ozone nonattainment area (Lake and Porter Counties) which have the potential to emit 25 tons per year or more of VOC. The United States Environmental Protection Agency (USEPA) is conditionally approving the State's graphic arts facilities VOC RACT rule, contingent on fulfillment of the State's commitment to adopt and submit a State Implementation Plan (SIP) revision that would correct deficiencies in the State's recordkeeping and reporting requirements, contained in 326 IAC 8–1–2, by May 6, 1996. In order to correct the deficiencies, the State must meet three requirements.

The first requirement is for the monitoring, recordkeeping and reporting (MRR) requirements in the Indiana rules to be made more comprehensive to include more than: Daily volume-weighted averages of all coatings applied in a coating or printing line; and records of daily usage of

gallons of solids coating and VOC content for each coating or ink solvent. Alternatively, when a source complies by using control devices, then records of monitoring parameters and other information must also be kept. The MRR requirements should also specify a period of time (i.e., 5 years) during which records shall be maintained at the facility. The second requirement is for the Indiana rules to be revised to require maintenance of records and reports of new or existing control devices. Records and reports that should be maintained include monitoring data, calibration and maintenance logs, and logs of operating time. The third requirement is for the Indiana rules to be revised to require the maintenance of records and reports for exempt sources such as: Information pertaining to the initial certification, calculations demonstrating that total potential emissions of VOC from all flexographic and rotogravure printing presses at the facility will be less than the required limits for each year, the maintenance of record for a period of 5 years, and the requirement that any exceedance will be reported to the Administrator within 30 days after the exceedance occurs. Exempt sources should calculate: Yearly potential emissions, yearly actual emissions, and the name, identification, VOC content, and yearly volume of coatings/inks. If the State ultimately fails to meet its commitment to meet these requirements by the date listed above, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval without further regulatory action.

(1) Incorporation by reference.

(i) (A) 326 IAC 8–5–5 Graphic arts operations. Filed with the Secretary of State, August 9, 1993, effective September 8, 1993, Published at Indiana Register, Volume 16, Number 12, September 1, 1993.

[FR Doc. 95–10974 Filed 5–3–95; 8:45 am]

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40 CFR Part 52

[IN45–2–6877; FRL–5184–2]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On January 11, 1995, the USEPA proposed to conditionally approve a State Implementation Plan (SIP) revision request submitted by the

State of Indiana for the purpose of remaining consistent with Federal Volatile Organic Compound (VOC) definition requirements. The public comment period ended on February 10, 1995, and no public comments were received. This rulemaking action conditionally approves, in final, this SIP revision request for Indiana.

EFFECTIVE DATE: This final rulemaking becomes effective on June 5, 1995.

ADDRESSES: Copies of the State's submittal, and other materials relating to this rulemaking are available at the following address for review: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The docket may be inspected between the hours of 8:30 a.m. and 12 noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by the USEPA for copying docket material.

A copy of this SIP revision is available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mark J. Palermo, Regulation Development Branch, Regulation Development Section (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6082.

Anyone wishing to visit the Region 5 offices should first contact Mark J. Palermo.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1992, USEPA promulgated a revised Federal definition for VOC (57 FR 3945). 40 CFR 51.100(s). For purposes of meeting the requirements of this revised Federal definition of VOC, the State of Indiana submitted on February 25, 1994, a revision to the SIP which consists of a two-part revised VOC definition, located under Title 326 Indiana Administrative Code (IAC) 1–2–48 (for “nonphotochemically reactive hydrocarbon”) and 326 IAC 1–2–90 (for “VOC”). The nonphotochemically reactive hydrocarbon definition at 326 IAC 1–2–48 is amended to add five halocarbon compounds and four classes of perfluorocarbons determined by USEPA to have negligible photochemical reactivity. In 326 IAC 1–2–90, Indiana amends the definition of VOC by excluding five carbon compounds determined by USEPA to

have negligible photochemical reactivity as well as excluding the organic compounds listed in 326 IAC 1-2-48. The amendments, as described, comport with the Federal requirements.

However, Indiana also added an exclusion of vegetable oils to the VOC definition, which USEPA has not determined to have negligible photochemical reactivity and is not listed for exclusion in the February 3, 1992 final rule. This exclusion of vegetable oils makes the Indiana VOC definition inconsistent with Federal requirements. Vegetable processing sources cannot be exempted from the VOC definition rule, as proposed by the State of Indiana. Subject sources, however, may be able to seek source category exemptions under the generic non-Control Technology Guideline (non-CTG sources) RACT rule, if supported by documentation acceptable to the USEPA.

Based on USEPA's preliminary analysis that the State's submittal was unapprovable because the exclusion of vegetable oil from the definition of VOC is inconsistent with the February 3, 1992, Federal VOC definition, Indiana submitted to USEPA, a letter dated December 14, 1994, committing to the necessary rule revision to correct the deficiency. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January, 1996.

Final Rulemaking Action

The USEPA conditionally approves the two-part VOC definition located under 326 IAC 1-2-48 and 326 IAC 1-2-90 because Indiana has committed to correct the rule so that it fully comports with USEPA requirements as established in the February 3, 1992 final rule. If the State ultimately fails to meet its commitment within one year of final conditional approval, then USEPA's action for the State's requested SIP

revision will automatically convert to a final disapproval.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2) of the Act.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Volatile organic compounds.

Dated: March 22, 1995.

David A. Ullrich,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart P—Indiana

2. Section 52.769 is added to read as follows:

§ 52.769 Identification of plan—conditional approval.

The plan revision commitment listed in paragraph (a) of this section was submitted on the date specified.

(a) On February 25, 1994, Indiana submitted a revision to the definition of Volatile Organic Compound (VOC) in two parts as amendments to Title 326 of the Indiana Administrative Code (326 IAC) 1-2-48 (for nonphotochemically reactive hydrocarbon) and 1-2-90 (for VOC). The United States Environmental Protection Agency (USEPA) is conditionally approving the State's VOC definition, contingent on fulfillment of the State's commitment to adopt and submit a State Implementation Plan revision that would eliminate provisions which exclude vegetable oil from the State's definition of VOC by May 6, 1996. If the State fails to meet its commitment by the date listed above, the USEPA's conditional approval will automatically become a disapproval without further regulatory action.

(1) *Incorporation by reference.*

(i) (A) 326 IAC 1-2-48 Nonphotochemically reactive hydrocarbon definition and 1-2-90 Volatile Organic Compound definition. Filed with the Secretary of State, August 9, 1993, effective September 8, 1993, Published at Indiana Register, Volume 16, Number 12, September 1, 1993.

(b) (Reserved)

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